

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KIRK ALEXANDER CURLS,

Plaintiff,

vs.

WAL-MART CORPORATION, *et al.*

Defendants.

2:11-cv-00561-GMN-CWH

Report and Recommendation
of United States Magistrate Judge

On July 12, 2011, the Court entered an order instructing Plaintiff to “file an [sic] second amended complaint by August 15, 2011, or his case may be dismissed with prejudice.” *See* Order (#6). The date identified in the Court’s order has passed and Plaintiff has failed to file an amended complaint as instructed. As such, the complaint in this matter should be dismissed with prejudice and this matter closed. Accordingly,

IT IS HEREBY ORDERED that the Clerk’s office shall send a copy of this Report and Recommendation as well as Docket Entry #6 in this matter to Plaintiff at the address currently on file.

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be **dismissed with prejudice**.

NOTICE

Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen days after being served with these findings and recommendations.** The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held

1 that (1) failure to file objections within the specified time and (2) failure to properly address and
2 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th
4 Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

5 DATED this 22nd day of August, 2011.

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8 C.W. Hoffman, Jr.
United States Magistrate Judge
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